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10/642,857	08/18/2003	Gregory Andrew Roy	G&C 30566.17-US-C3	3664

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EXAMINER
NGUYEN, PHU K

ART UNIT	PAPER NUMBER
2628	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/642,857	ROY ET AL.
	Examiner	Art Unit	
	Phu K. Nguyen	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 September 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

**PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300**

Attachment(s)
1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed "article of manufacture embodying logic" is not specifically defined in the Disclosure; it is unclear as whether it indicates computer memory storing the encoded instructions or the software product downloaded from the communication networks.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 15-21 claims "a article of manufacture embodying logic," which is not specifically defined in the original disclosure, can be reasonably interpreted as "software downloaded from the transmission media," or signals from the wave carriers. Claims that recite nothing but the physical characteristics of a form of energy, such as frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per

se, and as such are non statutory natural phenomena O'Reilly, 56 U.S. (15 How.) at

112-14.

Claims 1-14 claim a method and system in which each step or means is just the

descriptive language of the computer software in claims 15-21. Such claimed

method/system preempts an abstract idea or just running a computer program without

producing a useful, tangible and concrete result.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

WOLFF (5,847,708).

As per claim 1, Wolff teaches the claimed "method of obtaining a map in a

computer graphics program" comprising: "receiving a request for a map picture" (Wolff,

the object icons arranged within the cognitive document map; column 7, lines 36-40);

"obtaining a map file" (Wolff, the structure of cognitive document map consists a map

file; column 5, lines 11-16); "determining, from the map file, a uniform resource locator

(URL) that identifies a storage location of map data, wherein the map data defines one

or more map objects of the map picture" (Wolff, column 6, lines 9-38); and "obtaining

the map data from the location, wherein the obtained map data satisfies the request for

the map picture" (Wolff, column 6, lines 39-51). It is noted that Wolff does not teach the map picture is "vector based" map picture. However, Wolff's graphical images on the web pages or html.doc (column 5, lines 13-16) contain several different formatted graphical objects including the "vector based" map picture as claimed. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made, to down load the map picture from the Internet WebPages in Wolff's reference containing "vector based" map picture because of Wolff's system ability to access to an unlimited number of graphical web sites where the "vector based" map picture is used.

Claim 2 adds into claim 1 only the map data required to satisfy the request is obtained (Wolff, column 6, lines 42-51; or step 305, figure 3).

Claim 3 adds into claim 1 "displaying the map picture" (Wolff, col. 6, lines 48-51).

Claim 4 adds into claim 1 "the map data is obtained from a map server across a network connection" (Wolff, column 5, lines 34-55).

Claim 5 adds into claim 1 "creating the map file" (Wolff, column 5, lines 11-16; column 7, lines 45-51).

Claim 6 adds into claim 1 "setting map display properties and a level of interaction" (Wolff, column 5, lines 18-26; the interaction metrics; column 8, lines 8-42).

Claim 7 adds into claim 1 "the claim steps are performed by a browser plug-in" (Wolff's browsers are program stored in the client system or server system or plug in; column 5, lines 53-55; column 6, lines 3-8).

As per claim 8, Wolff teaches the claimed "apparatus for obtaining a map computer-implemented graphics system" comprising: a computer (Wolff, processor 502, figure 5) and an application executing on the computer (Wolff, column 4, lines 35-41)), wherein the application is configured to "receiving a request for a map picture" (Wolff, the object icons arranged within the cognitive document map; column 7, lines 36-40); "obtaining a map file" (Wolff, the structure of cognitive document map consists a map file; column 5, lines 11-16); "determining, from the map file, a uniform resource locator (URL) that identifies a storage location of map data, wherein the map data defines one or more map objects of the map picture" (Wolff, column 6, lines 9-38); and "obtaining the map data from the location, wherein the obtained map data satisfies the request for the map picture" (Wolff, column 6, lines 39-51). It is noted that Wolff does not teach the map picture is "vector based" map picture. However, Wolff's graphical images on the web pages or html.doc (column 5, lines 13-16) contain several different formatted graphical objects including the "vector based" map picture as claimed. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made, to down load the map picture from the Internet WebPages in Wolff's reference containing "vector based" map picture because of Wolff's system ability to access to an

unlimited number of graphical web sites where the "vector based" map picture is used.

Claim 9 adds into claim 8 only the map data required to satisfy the request is obtained (Wolff, column 6, lines 42-51; or step 305, figure 3).

Claim 10 adds into claim 8 "displaying the map picture" (Wolff, col. 6, lines 48-51).

Claim 11 adds into claim 8 "the map data is obtained from a map server across a network connection" (Wolff, column 5, lines 34-55).

Claim 12 adds into claim 8 "creating the map file" (Wolff, column 5, lines 11-16; column 7, lines 45-51).

Claim 13 adds into claim 8 "setting map display properties and a level of interaction" (Wolff, column 5, lines 18-26; the interaction metrics; column 8, lines 8-42).

Claim 14 adds into claim 8 "the claim steps are performed by a browser plug-in" (Wolff's browsers are program stored in the client system or server system or plug in; column 5, lines 53-55; column 6, lines 3-8).

As per claim 15, Wolff teaches the claimed "article of manufacture embodying

logic that causes a computer-implemented graphics system to obtain a map" wherein

the logic comprises: "receiving a request for a map picture" (Wolff, the object icons

arranged within the cognitive document map; column 7, lines 36-40); "obtaining a map

file" (Wolff, the structure of cognitive document map consists a map file; column 5, lines

11-16); "determining, from the map file, a uniform resource locator (URL) that identifies

a storage location of map data, wherein the map data defines one or more map objects

of the map picture" (Wolff, column 6, lines 9-38); and "obtaining the map data from the

location, wherein the obtained map data satisfies the request for the map picture"

(Wolff, column 6, lines 39-51). It is noted that Wolff does not teach the map picture is

"vector based" map picture. However, Wolff's graphical images on the web pages or

html.doc (column 5, lines 13-16) contain several different formatted graphical objects

including the "vector based" map picture as claimed. Thus, it would have been obvious

to a person of ordinary skill in the art at the time the invention was made, to down load

the map picture from the Internet WebPages in Wolff's reference containing "vector

based" map picture because of Wolff's system ability to access to an unlimited number

of graphical web sites where the "vector based" map picture is used.

Claim 16 adds into claim 15 only the map data required to satisfy the request is

obtained (Wolff, column 6, lines 42-51; or step 305, figure 3).

Claim 17 adds into claim 15 "displaying the map picture" (Wolff, col. 6, ls. 48-51).

Claim 18 adds into claim 15 "the map data is obtained from a map server across a network connection" (Wolff, column 5, lines 34-55).

Claim 19 adds into claim 15 "creating the map file" (Wolff, column 5, lines 11-16; column 7, lines 45-51).

Claim 10 adds into claim 15 "setting map display properties and a level of interaction" (Wolff, column 5, lines 18-26; the interaction metrics; column 8, lines 8-42).

Claim 21 adds into claim 15 "the claim steps are performed by a browser plug-in" (Wolff's browsers are program stored in the client system or server system or plug in; column 5, lines 53-55; column 6, lines 3-8).

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over KOCHEVAR (The Tecate Data Space Exploration Utility).

As per claim 1, Kochevar teaches the claimed "method of obtaining a map in a computer graphics program" comprising: "receiving a request for a map picture" (Kochevar, the MapQuery Tool; figure 3); "obtaining a map file" (Kochevar, section 5.1 Visualizing Data in a Database; pages 161-162); "determining, from the map file, a uniform resource locator (URL) that identifies a storage location of map data, wherein the map data defines one or more map objects of the map picture" (Kochevar, section

5.2, Browsing the World Wide Web; page 162); and "obtaining the map data from the

location, wherein the obtained map data satisfies the request for the map picture"

(Kochevar, figure 7). It is noted that Wolff does not teach the map picture is "vector

based" map picture. However, Kochevar's graphical images on the web pages or

html.doc (section 5.2, page 162) contain several different formatted graphical objects

including the "vector based" map picture as claimed. Thus, it would have been obvious

to a person of ordinary skill in the art at the time the invention was made, to down load

the map picture from the Internet WebPages in Kochevar's reference containing "vector

based" map picture because of Wolff's system ability to access to an unlimited number

of graphical web sites where the "vector based" map picture is used.

Claim 2 adds into claim 1 only the map data required to satisfy the request is

obtained (Kochevar, page 162, column 1, section 5.2, Browsing the World Wide Web).

Claim 3 adds into claim 1 "displaying the map picture" (Kochevar, figures 7-8).

Claim 4 adds into claim 1 "the map data is obtained from a map server across a

network connection" (Kochevar, page 162, column 1, section 5.2, Browsing the World

Wide Web).

Claim 5 adds into claim 1 "creating the map file" (Kochevar, section 5.1

Visualizing Data in a Database; pages 161-162).

Claim 6 adds into claim 1 "setting map display properties and a level of interaction" (Kochevar, page 161, section 4.4 The WWW Interface).

Claim 7 adds into claim 1 "the claim steps are performed by a browser plug-in" (Kochevar, page 160, column 2, section 4 application Resource).

As per claim 8, Kochevar teaches the claimed "apparatus for obtaining a map computer-implemented graphics system" comprising: a computer (Kochevar, Abstract Visualization Machine; figure 1) and an application executing on the computer (Kochevar, page 159, section 2.2, Object Manager), wherein the application is configured to : "receiving a request for a map picture" (Kochevar, the MapQuery Tool; figure 3); "obtaining a map file" (Kochevar, section 5.1 Visualizing Data in a Database; pages 161-162); "determining, from the map file, a uniform resource locator (URL) that identifies a storage location of map data, wherein the map data defines one or more map objects of the map picture" (Kochevar, section 5.2, Browsing the World Wide Web; page 162); and "obtaining the map data from the location, wherein the obtained map data satisfies the request for the map picture" (Kochevar, figure 7). It is noted that Wolff does not teach the map picture is "vector based" map picture. However, Kochevar's graphical images on the web pages or html.doc (section 5.2, page 162) contain several different formatted graphical objects including the "vector based" map picture as

claimed. Thus, it would have been obvious to a person of ordinary skill in the art at the

time the invention was made, to down load the map picture from the Internet WebPages

in Kochevar's reference containing "vector based" map picture because of Wolff's

system ability to access to an unlimited number of graphical web sites where the "vector

based" map picture is used.

Claim 9 adds into claim 8 only the map data required to satisfy the request is

obtained (Kochevar, page 162, column 1, section 5.2, Browsing the World Wide Web).

Claim 10 adds into claim 8 "displaying the map picture" (Kochevar, figures 7-8).

Claim 11 adds into claim 8 "the map data is obtained from a map server across a

network connection" (Kochevar, page 162, column 1, section 5.2, Browsing the World

Wide Web).

Claim 12 adds into claim 8 "creating the map file" (Kochevar, section 5.1

Visualizing Data in a Database; pages 161-162).

Claim 13 adds into claim 8 "setting map display properties and a level of

interaction" (Kochevar, page 161, section 4.4 The WWW Interface).

Claim 14 adds into claim 8 "the claim steps are performed by a browser plug-in"

(Kochevar, page 160, column 2, section 4 application Resource).

As per claim 15, Kochevar teaches the claimed "article of manufacture embodying logic that causes a computer-implemented graphics system to obtain a map" wherein the logic comprises: "receiving a request for a map picture" (Kochevar, the MapQuery Tool; figure 3); "obtaining a map file" (Kochevar, section 5.1 Visualizing Data in a Database; pages 161-162); "determining, from the map file, a uniform resource locator (URL) that identifies a storage location of map data, wherein the map data defines one or more map objects of the map picture" (Kochevar, section 5.2, Browsing the World Wide Web; page 162); and "obtaining the map data from the location, wherein the obtained map data satisfies the request for the map picture" (Kochevar, figure 7). It is noted that Wolff does not teach the map picture is "vector based" map picture. However, Kochevar's graphical images on the web pages or html.doc (section 5.2, page 162) contain several different formatted graphical objects including the "vector based" map picture as claimed. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made, to down load the map picture from the Internet WebPages in Kochevar's reference containing "vector based" map picture because of Wolff's system ability to access to an unlimited number of graphical web sites where the "vector based" map picture is used.

Claim 16 adds into claim 15 only the map data required to satisfy the request is obtained (Kochevar, page 162, column 1, section 5.2, Browsing the World Wide Web).

Claim 17 adds into claim 15 "displaying the map picture" (Kochevar, figures 7-8).

Claim 18 adds into claim 15 "the map data is obtained from a map server across a network connection" (Kochevar, page 162, column 1, section 5.2, Browsing the World Wide Web).

Claim 19 adds into claim 15 "creating the map file" (Kochevar, section 5.1 Visualizing Data in a Database; pages 161-162).

Claim 20 adds into claim 15 "setting map display properties and a level of interaction" (Kochevar, page 161, section 4.4 The WWW Interface).

Claim 21 adds into claim 15 "the claim steps are performed by a browser plug-in" (Kochevar, page 160, column 2, section 4 application Resource).

Due to new grounds of the rejection, this action has been made NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272 7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phu K. Nguyen
March 6, 2007

PHU K. NGUYEN
PRIMARY EXAMINER
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